

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

CRIMINAL MINUTES - SENTENCING AND JUDGMENT

U.S.A. vs. DAVID KERNELL

Date: November 12, 2010

Case No. 3:08-CR-142

At: Knoxville

PROCEEDINGS: Sentencing Hearing – Defendant sworn. Probation officer, Joe Thomas, is called to give testimony regarding possible enhancement. Counsel responds. Counsel for defendant addresses motion for downward departure and variance previously filed. Government responds. The court denies the defendant's motion for departure, and grants the motion for variance. Defendant is sentenced to a total term of imprisonment of twelve months and one day as to Counts 3 and 4 of the Indictment. Upon release from imprisonment, the defendant shall be placed on supervised release for three years. Defendant will self report, as notified by the USMS.

Present: **HONORABLE THOMAS W. PHILLIPS, UNITED STATES DISTRICT JUDGE**

Rachel Stone
Deputy Clerk

Jolene Owen
Court Reporter

Greg Weddle
Mark Krotoski
Josh Goldfoot
Assistant US Atty

Wade Davies
Anne Passino
Attorney for Deft

Joe Thomas
Probation Officer

Others present: CSO, USM

☒ Defendant is sworn

☒ Defendant is given opportunity to speak and ☒ speaks; ☐ declines to speak

☒ COURT PRONOUNCES JUDGMENT:

The defendant is sentenced to a total term of imprisonment of **12 months and 1 day** as to Counts 3 and 4 of the Indictment. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **three years** .

☐ **Restitution** "joint and several?" yes ☐ no ☐ interest waived yes ☐ no ☐

Victim(s) Name/Amount:

☒ **Special Assessment:** \$125.00

☐ **Fine:**

☒ **COURT RECOMMENDS :** The court recommends designation to the Midway Sanctions Center located in Knoxville, Tennessee.

☐ Defendant remanded to custody ☐ Released on bond

☒ Defendant to self-report as notified by the U.S. Marshal

Time 9:00 to 11:15